

**ORIGINAL**

**DOCKET FILE**

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

**RECEIVED**

**AUG - 7 1998**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No. 98-18
Table of Allotments	)	RM-9204
FM Broadcast Stations	)	
(Macon and Hampton, Georgia)	)	
	)	
Dogwood Communications, Inc.	)	File No. BPH-980309IE
WAMJ(FM), Roswell, Georgia	)	RM-9326
	)	
For Construction Permit for	)	
Modification of Facilities	)	

To: Chief, Allocations Branch  
Mass Media Bureau

**REPLY COMMENTS OF  
DOGWOOD COMMUNICATIONS, INC.**

Dogwood Communications, Inc. ("Dogwood"), pursuant to Public Notice released July 23, 1998,<sup>1</sup> submits the following Reply Comments.

1. The Public Notice announced that Dogwood's application for a construction permit for modification of the facilities of WAMJ(FM), Roswell, Georgia, "will be treated as a counterproposal in MM Docket No. 98-18" and directed the filing of Reply Comments to the counterproposal no later than fifteen (15) days after the date of the Public Notice.

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<sup>1</sup> Office of Public Affairs Reference Operations Division Petitions for Rulemaking Filed, Report No. 2285 (Released July 23, 1998) (the "Public Notice").

*084*

2. Dogwood and U.S. Broadcasting Limited Partnership ("USBLP")<sup>2</sup> have entered into an Agreement dated as of August 6, 1998 attached hereto as Exhibit A.

3. Under the terms of the Agreement, USBLP agrees to file comments in this proceeding asking that the reference point specified in USBLP's rulemaking petition and comments<sup>3</sup> be deleted and that the reference point for the WPEZ(FM) transmitter site be changed to: 33° 15' 04" North and 84° 25' 10" West.

4. Under the terms of the Agreement, Dogwood agrees to tender an amendment to its application BPH-980309IE to specify its current transmitter site on the roof of the building at 1050 Crown Pointe Parkway, Atlanta, Georgia, (the "Crown Pointe Site").<sup>4</sup> Dogwood also agrees to withdraw with prejudice its April 13, 1998, "Comments and Counterproposal" and its April 29, 1998, "Reply Comments" filed in this proceeding, which oppose the modification of the WPEZ(FM) license. Dogwood further agrees to file comments that support the proposed modification of the WPEZ(FM) license with the amended reference point.

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<sup>2</sup> USBLP tendered the petition for rule making that initiated this proceeding and that requested reallocation of Channel 300C1 from Macon to Hampton, Georgia, and the modification of the license for WPEZ(FM) to specify Hampton as its community of license. *Notice of Proposed Rule Making*, 13 FCC Rcd 2994 (1998).

<sup>3</sup> November 19, 1997, Petition for Rulemaking (RM-9204); April 13, 1998, "Comments of U.S. Broadcasting Limited Partnership," and April 29, 1998, "Reply Comments of U.S. Broadcasting Limited Partnership."

<sup>4</sup> The geographic coordinates of the Crown Pointe Site have previously been specified as 33° 55' 48" North, 84° 20' 45" West. However, Dogwood and USBLP have concluded and agreed that the coordinates should be corrected to 33° 55' 54" North, 84° 20' 43" West.

5. Under the terms of the Agreement, the changes proposed by Dogwood and USBLP and the filings contemplated therein are mutually contingent, and neither party will be obligated to file or retain any of the changes or file any comments with the FCC if the other party does not make or retain the requisite filings with the FCC as required by the Agreement. Once the documents are filed by both parties, however, neither party may withdraw or modify its position in a manner which will adversely affect the other party's proposed or requested modification of their respective FCC authorization.

6. Dogwood has simultaneously herewith tendered an amendment to its application to upgrade its facilities and specify the Crown Point Site as its transmitter site, utilizing the corrected geographic coordinates. Attached hereto is a photocopy of that amendment.

7. Dogwood herewith withdraws with prejudice its April 13, 1998, "Comments and Counterproposal" and its April 29, 1998, "Reply Comments".

8. Dogwood further states that it supports the proposed modification of the WPEZ(FM) license, on the condition that USBLP requests that the reference

point specified in its rulemaking petition and comments be deleted and that the reference point be changed to: 33° 15' 04" North and 84° 25' 10" West.

Respectfully submitted,

**DICKSTEIN SHAPIRO MORIN  
& OSHINSKY LLP**

2101 L Street, NW  
Washington, DC 20037-1526  
202-785-9700

Attorneys for  
**DOGWOOD COMMUNICATIONS, INC.**

By: Harold K. McCombs  
Lewis J. Paper  
Bryan T. McGinnis  
Harold K. McCombs

**EXHIBIT A**

**Agreement dated August 6, 1998**

## AGREEMENT

This Agreement is made this 6th day of August 1998 by and between Dogwood Communications, Inc. ("Dogwood"), a corporation organized under the laws of the State of Delaware, and U.S. Broadcasting Limited Partnership ("USBLP"), a limited partnership formed under the laws of the State of Georgia.

### Recitals

WHEREAS, Dogwood holds a construction permit (the "CP") from the Federal Communications Commission ("FCC") to build a new Class A FM radio station (which station presently bears the call sign WAMJ(FM)) on Channel 298 in Roswell, Georgia (FCC File No. BPH-870727MF), with a transmitter on a building roof at 1050 Crown Pointe Parkway, Atlanta, Georgia (the "Crown Pointe Site") with the following coordinates: 33°55'48" North Latitude and 84°20'45" West Longitude (which Dogwood believes should be corrected to 33°55'54" North Latitude and 84 20'43" West Longitude); and

WHEREAS, Dogwood has completed construction, is now operating the station under Program Test Authority, and has filed a Form 302 license application with the FCC (File No. BLH-971222KH), which is still pending, to cover the CP; and

WHEREAS, Dogwood filed a Form 301 "one-step" upgrade application on March 9, 1998 (FCC File No. BPH-980309IE) to, *inter alia*, upgrade its CP to a Class C3 FM radio station with increased power to operate on Channel 298C3 at a different transmitter site (the "Upgrade Application"); and

WHEREAS, Dogwood's Upgrade Application remains pending at the FCC; and

WHEREAS, USBLP is licensed by the FCC to operate radio station WPEZ(FM) in Macon, Georgia; and

WHEREAS, on February 20, 1998, the FCC released a Notice of Proposed Rule Making ("NPRM") in MM Docket No. 98-18 requesting comments on a proposal to amend the Table of Allotments for FM broadcast stations which would, *inter alia*, modify the license for WPEZ(FM) to specify operations on Channel 300C1 in Hampton, Georgia; and

WHEREAS, USBLP filed comments in MM Docket No. 98-18 in support of the FCC's proposal in the *NPRM*; and

WHEREAS, Dogwood filed comments in MM Docket No. 98-18 in opposition to the reference point proposed by USBLP and the FCC in the *NPRM* for the WPEZ(FM) transmitter site because, *inter alia*, the reference point for the transmitter site in that latter proceeding would conflict with the engineering proposal in Dogwood's Upgrade Application; and

WHEREAS, Dogwood and USBLP are desirous of resolving the conflict among their respective positions as disclosed in the comments filed with the FCC in the *NPRM*;

NOW, THEREFORE, in view of the foregoing and the mutual promises and covenants contained herein, the parties hereby agree as follows:

**1. Change of USBLP's Reference Point.** By August 7, 1998, if practical, but in no event later than ten (10) business days following the date of this Agreement as set forth above, USBLP will file comments with FCC in the *NPRM* asking that the reference point specified in USBLP's rulemaking petition and comments be deleted and that the reference point for the WPEZ(FM) transmitter site be changed to the following: 33°15'04" North Latitude and 84°25'10" West Longitude.

**2. Modification of Dogwood's Upgrade Application.** By August 7, 1998, if practical, but in no event later than ten (10) business days following the date of this Agreement as set forth above, Dogwood will (a) file an amendment to its Upgrade Application with the FCC to specify the Crown Pointe Site as the transmitter site for its proposal to upgrade the station class covered by its CP and (b) withdraw with prejudice any and all comments and reply comments in MM Docket 98-18 opposing the modification of the WPEZ(FM) transmitter site and file comments in MM Docket 98-18 which support the proposed modification of the licenses for WPEZ(FM) with the amended reference point.

**3. Service of Documents.** Each party will simultaneously serve on the other party a copy of any and all documents which such party files with the FCC under paragraphs 1 and 2 above as well as copies of any and all communications to or from the FCC concerning their respective filings as well as pleadings and other documents filed with the FCC by third parties with respect to the filings made under paragraphs 1 and 2 (except to the extent the communication, pleading, or other document shows on its face that a copy has already been served on the other party).

**4. Reciprocal Conditions Precedent.** The changes proposed to the reference point and the Upgrade Application, as well as the documents to be separately filed by the parties as specified in paragraphs 1 and 2 above, are mutually contingent, and neither party will be obligated to file or retain any of the changes or file any comments with the FCC if the other party does not make or retain the requisite filings with the FCC as required by this Agreement. Once those documents are filed, however, neither party may withdraw or modify its position as specified herein in a manner which will adversely affect the other party's proposed or requested modification of their respective FCC authorization as delineated in this Agreement. Neither party hereto shall make or submit any oral or written comments with the FCC or otherwise take any action, either directly or indirectly, to oppose or delay the grant of the other party's technical proposal as modified in accordance with this Agreement or the ability of such grant to become a "final order" (meaning that the order is no longer subject to reconsideration or review by the FCC or a court of competent jurisdiction).

**5. Remedies.** In the event that either party breaches or threatens to breach its obligations under this Agreement, the other party may pursue whatever remedies may be

available at law or in equity, including injunctive or other equitable relief for specific performance of a party's obligations under this Agreement. In the event that one party files an action against the other party for specific performance of this Agreement, that latter party shall waive the defense that the party instituting the action has an adequate remedy at law. Such waiver is premised on the parties' mutual understanding that their respective radio stations, along with the proposals delineated herein to change the operating parameters of those stations, represent unique assets and that monetary damages alone would be insufficient to compensate a party for the other party's breach of this Agreement.

**6. Construction.** This Agreement shall be construed in accordance with the laws of the State of Georgia without regard to that jurisdiction's conflict of laws provisions.

**7. FCC Disclosure and Approval.** Dogwood and USBLP will cooperate with each other in making any disclosure of this agreement to the FCC, filing any certifications or other documents with the FCC and taking any other action which may be required by applicable law, including but not limited to FCC rules and policies. Such cooperation shall include but not be limited to the use of commercially reasonable efforts to coordinate their filings under paragraphs 1 and 2 above so that the filings are made simultaneously and cross-reference each other.

**8. Notices.** Any and all communications required or authorized by this Agreement shall be sent by hand, by certified mail – return receipt requested (postage prepaid), by facsimile (with confirmation of receipt), or by overnight courier (charges prepaid) to the parties at the following addresses (or at such other address which any party may designate in writing to the other party):

To Dogwood:

Frank W. Johnson, Jr., President  
Dogwood Communications, Inc.  
c/o WAMJ(FM)  
Suite 200  
5526 Old National Highway  
College Park, GA 30349

With a copy to:

Lewis J. Paper, Esq.  
Dickstein Shapiro Morin & Oshinsky LLP  
2101 L Street, N.W.  
Washington, DC 20037

To USBLP:

Douglas M. Grimm, Executive Vice President  
Magic Broadcasting II, Inc.,  
General Partner of  
U.S. Broadcasting Limited Partnership  
Suite 700  
544 Mulberry Street  
Macon, GA 31202



with a copy to:

Irving Gastfreund, Esq.  
Kaye, Scholer, Fierman, Hayes  
& Handler LLP  
Suite 1100  
901 15<sup>th</sup> Street, N.W.  
Washington, DC 20006

And

Michael J. Golub, Esq.  
Bodzin & Golub, P.C.  
Suite 329  
1150 15th Street, N.W.  
Washington, D.C. 20005

**9. Binding Effect.** This Agreement shall become effective on the date written above and shall be binding on the parties as well as on their assigns and successors, including, without limitation, successor licensees of, respectively, radio stations WPEZ (FM) and WAMJ (FM).

**10. Entire Agreement.** This Agreement represents the entire understanding of the parties with respect to the subject matter hereto and supersedes any and all prior and contemporaneous agreements, understandings, and contracts. This Agreement may not be amended except by a document executed by both parties.

**11. Counterpart Signatures.** This Agreement may be signed in counterpart and all counterparts shall collectively be deemed to be one and the same document.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have executed the Agreement as of the date  
first written above.

DOGWOOD COMMUNICATIONS, INC.

By: Frank W. Johnson, Jr.  
Frank W. Johnson, Jr.  
President

U.S. BROADCASTING  
LIMITED PARTNERSHIP  
BY: MAGIC BROADCASTING II, INC.  
ITS GENERAL PARTNER

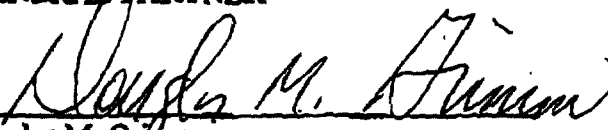
By: \_\_\_\_\_  
Douglas Grim  
Executive Vice President

IN WITNESS WHEREOF, the parties have executed the Agreement as of the date  
first written above.

DOGWOOD COMMUNICATIONS, INC.

By: \_\_\_\_\_  
Frank W. Johnson, Jr.  
President

U.S. BROADCASTING  
LIMITED PARTNERSHIP  
BY: MAGIC BROADCASTING II, INC.  
ITS GENERAL PARTNER


By:   
Douglas M. Graham  
Executive Vice President

## **DECLARATION**

I, Frank W. Johnson, Jr., hereby declare, under penalty of perjury, that the following is true and correct:

1. I am President of Dogwood Communications, Inc., permittee of WAMJ(FM), Roswell, Georgia.
2. I have reviewed and executed the Agreement dated August 6, 1998 between Dogwood Communications, Inc. and U.S. Broadcasting Limited Partnership related to the Rulemaking in MM Docket No. 98-18, RM-9204.
3. Neither Dogwood Communications, Inc. nor its principals has received or will receive any money or other consideration in exchange for the execution of the aforementioned Agreement or any actions promised by Dogwood Communications, Inc. therein. Further, neither Dogwood Communications, Inc. nor its principals has paid or will pay any money or other consideration to U.S. Broadcasting Limited Partnership or any other party in return for U.S. Broadcasting Limited Partnership's execution of the aforementioned Agreement and its actions promised therein.
4. The only consideration by Dogwood Communications, Inc. for its execution of the aforementioned Agreement is contained within the Agreement.

EXECUTED on this 7<sup>th</sup> day of August, 1998.

  
\_\_\_\_\_  
Frank W. Johnson, Jr.  
President  
Dogwood Communications, Inc.

FOR  
FCC  
USE  
ONLY

# FCC 301

## APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

FOR COMMISSION USE ONLY  
FILE NO.

### Section I - GENERAL INFORMATION

1. APPLICANT NAME (Last, First, Middle Initial) Dogwood Communications, Inc.											
MAILING ADDRESS (Line 1) (Maximum 35 characters) c/o Lewis J. Paper, Esq., Dickstein Shapiro, et al.											
MAILING ADDRESS (Line 2) (Maximum 35 characters) 2101 L Street NW 20037											
CITY Washington		STATE OR COUNTRY (if foreign address) DC	ZIP CODE 20037								
TELEPHONE NUMBER (include area code) (202) 828-2265		CALL LETTERS WAMJ (FM)	OTHER FCC IDENTIFIER (IF APPLICABLE)								
2. A. Is a fee submitted with this application? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>											
B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1113) and go to Question 3. <input type="checkbox"/> Governmental Entity <input type="checkbox"/> Noncommercial educational licensee <input checked="" type="checkbox"/> Other (Please explain): Amendment											
C. If Yes, provide the following information:											
Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).											
(1)	(A) FEE TYPE CODE <table border="1" style="width: 100%; height: 30px;"><tr><td style="width: 33%;"></td><td style="width: 33%;"></td><td style="width: 33%;"></td></tr></table>				(B) FEE MULTIPLE (if required) <table border="1" style="width: 100%; height: 30px;"><tr><td style="width: 25%;"></td><td style="width: 25%;"></td><td style="width: 25%;"></td><td style="width: 25%;"></td></tr></table>					(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A) \$ <table border="1" style="width: 100%; height: 30px;"></table>	FOR FCC USE ONLY <table border="1" style="width: 100%; height: 30px;"></table>
To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.											
(2)	(A) <table border="1" style="width: 100%; height: 30px;"><tr><td style="width: 33%;"></td><td style="width: 33%;"></td><td style="width: 33%;"></td></tr></table>				(B) <table border="1" style="width: 100%; height: 30px;"><tr><td style="width: 25%;"></td><td style="width: 25%;"></td><td style="width: 25%;"></td><td style="width: 25%;"></td></tr></table>					(C) \$ <table border="1" style="width: 100%; height: 30px;"></table>	FOR FCC USE ONLY <table border="1" style="width: 100%; height: 30px;"></table>
ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.				TOTAL AMOUNT REMITTED WITH THIS APPLICATION \$ <table border="1" style="width: 100%; height: 30px;"></table>	FOR FCC USE ONLY <table border="1" style="width: 100%; height: 30px;"></table>						

**Section I - GENERAL INFORMATION (Page 2)**

3. This application is for: (check one box)

☐ AM

☐ FM

☐ TV

(b) Channel No. or Frequency 298C3
---------------------------------------

(b) Principal Community	City	State
	Roswell	Georgia

(c) Check one of the following boxes:

☐ Application for NEW station

☐ MAJOR change in licensed facilities; call sign: .....

☐ MINOR change in licensed facilities; call sign: .....

☐ MAJOR modification of construction permit; call sign: .....

File No. of construction permit; call sign: .....

☐ MINOR modification of construction permit; call sign: .....

File No. of construction permit; call sign: .....

☒ AMENDMENT to pending application: Application File Number: ..... BPH-980309IE

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

4. Is this application mutually exclusive with a renewal application?

☐ Yes

☒ No

If Yes, state:

Call letters	Community of License	
	City	State

## SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

Does the applicant propose to employ five or more full-time employees?

☒ Yes

☐ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC Form 396-A).

On file with the Commission

## SECTION VII - CERTIFICATIONS

1. Has or will the applicant comply with the public notice requirements of 47 C.F.R. Section 73.3580?
2. Has the applicant reasonable assurance, in good faith, that the site or structure proposed in Section V of this form, as the location of its transmitting antenna, will be available to the applicant for the applicant's intended purpose?

☒ Yes

☐ No

☒ Yes

☐ No

If No, attach as an Exhibit, a full explanation.

Exhibit No.

3. If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.

Name of person contacted: Bob Wiede

Telephone No. (include area code): (770) 642-8643

Person contacted (check one box below):

☐ Owner

☒ Owner's Agent

☐ Other (specify)

4. By checking Yes, the applicant certifies, that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b).

☒ Yes

☐ No

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached Exhibits are considered material representations, and that all Exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name Frank W. Johnson, Jr.	Signature <i>Frank W. Johnson, Jr.</i>
Title President	Date August 6, 1998
Typed or Printed Name of Person Signing Frank W. Johnson, Jr.	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

JOHN J. MULLANEY  
JOHN H. MULLANEY, P.E. (1994)  
ALAN E. GEARING, P.E.  
THOMAS J. JOHNSON

301 921-0115 Voice  
301 590-9757 Fax  
mullengr@aol.com E-mail

**MULLANEY ENGINEERING, INC.**

9049 SHADY GROVE COURT  
GAITHERSBURG, MD 20877

**ENGINEERING EXHIBIT EE-4:**

**DOGWOOD COMMUNICATIONS, INC.  
RADIO STATION WAMJ  
ROSWELL, GEORGIA  
Ch. 298C3 25 KW 100 M HAAT**

**AUGUST 3, 1998**

**ENGINEERING STATEMENT IN SUPPORT OF  
AN AMENDMENT TO  
A PENDING APPLICATION FOR A  
ONE-STEP UPGRADE  
CORRECTION OF "AS-BUILT" CLASS A COORDINATES**

**ORIGINAL  
SIGNATURE**



**MULLANEY ENGINEERING, INC.**

**ENGINEERING EXHIBIT EE-4:**

**DOGWOOD COMMUNICATIONS, INC.  
RADIO STATION WAMJ  
ROSWELL, GEORGIA  
Ch. 298C3 25 KW 100 M HAAT**

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5. Figure 1-A, Aeronautical Map Showing Proposed Site.
6. Figure 2, Map Showing Proposed Contours.
7. Figure 2-A, Tabulation of Proposed Contours.
8. Figure 3, Vertical Tower Sketch.
9. Figure 4, Channel Allocation.
10. Figure 5, Antenna Vertical Radiation Pattern.
11. Figure 5-A, R.F. Exposure Analysis.

## SECTION V-B - FM BROADCAST ENGINEERING DATA

## FOR COMMISSION USE ONLY

File No. \_\_\_\_\_

SSB Referral Date \_\_\_\_\_

Referred By \_\_\_\_\_

Name of Applicant

**Dogwood Communications, Inc.**

Call Letters (if issued)

**WAMJ**Is this application being filed in response to a window? ☐ Yes ☒ No

If Yes, specify closing date: \_\_\_\_\_

Purpose of Application: (check appropriate boxes)

☐ Construct a new (main) facility☐ Construct a new auxiliary facility☐ Modify existing construction permit for main facility☐ Modify existing construction permit for auxiliary facility☒ Modify licensed main facility☐ Modify licensed auxiliary facility

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

☒ Antenna supporting structure height☒ Effective radiated power☒ Antenna height above average terrain☐ Frequency☒ Antenna location☒ Class☐ Main Studio location☒ One-Step processing☐ Directional Antenna☒ Other (summarize) **No Longer MX with**  
**MM DOC 98-18**File Number(s) **ONE-STEP C3 (980309IE)**

## 1. Allocation:

Channel No.	Principal community to be served:		
	County	City or Town	State
298	Fulton	Roswell	GA

Class (check only one box below)

☐ A ☐ B1 ☐ B ☒ C☐ C2 ☐ C1 ☐ C

## 2. Exact location of antenna.

- (a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark.  
**ON BUILDING ROOF AT 1050 CROWN POINTE PARKWAY, ATLANTA, GA (DE KALB CO**
- (b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude and East Longitude where applicable; otherwise, North Latitude West Longitude will be presumed. (The Commission requires coordinates based on NAD 27.)

Latitude	33°	55'	54"	Longitude	84°	20'	43"
----------	-----	-----	-----	-----------	-----	-----	-----

3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? ☒ Yes ☐ No

If Yes, give call letter(s) or file number(s) or both. **CELLUAR / TWO-WAY**If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any. **80.47 m**

Section V-B - FM BROADCAST ENGINEERING DATA (Page 2)

4. Does the application propose to correct previous site coordinates?  
If Yes, list old coordinates.

☒ Yes ☐ No

Latitude	33°	55'	48"	Longitude	84°	20'	45"
----------	-----	-----	-----	-----------	-----	-----	-----

5. Has the FAA been notified of the proposed construction?

☒ Yes ☐ No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available.

Exhibit No.

Date 4/3/98 (APPROVED) Office where filed 98-ASO-1701-OE

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

	Landing Area	Distance (km)	Bearing (degrees True)
(a)	<u>De Kalb - Peachtree</u>	<u>7.1</u>	<u>148</u>
(b)			

7. (a) Elevation (to the nearest meter)

- (1) of site above mean sea level; 316.7 meters
- (2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and 85.0 meters
- (3) of the top of supporting structure above mean sea level [(a)(1) + (a)(2)]. 401.7 meters

- (b) Height of radiation center: (to the nearest meter) H = Horizontal; V = Vertical

- (1) above ground; 81.4 meters (H)  
81.4 meters (V)
- (2) above mean sea level [(a)(1) + (b)(1)]; and 398.0 meters (H)  
398.0 meters (V)
- (3) above average terrain. 100.2 meters (H)  
100.2 meters (V)

8. Attach as an Exhibit sketch(es) of the supporting structure, labeling all elevations required in Question 7 above, except item 7(b)(3). If mounted on an AM directional array element, specify heights and orientations of all array towers, as well as location of FM radiator.

Exhibit No.  
**Fig 3**

9. Effective Radiated Power:

(a) ERP in the horizontal plane 25 kw (H\*) 25 kw (V\*)

Is beam tilt proposed?

☐ Yes ☒ No

If Yes, specify maximum ERP in the plane of the tilted beam, and attach as an Exhibit a vertical elevation plot of radiated field.

Exhibit No.

\*Polarization                      kw (H\*)                      kw (V\*)

**Section V-B - FM BROADCAST ENGINEERING DATA (Page 3)**

10. Does this proposal modify a new unbuilt construction permit for an unbuilt, unlicensed facility?

☐ Yes ☒ No

If Yes, submit an Exhibit demonstrating compliance with 47 C.F.R. Section 73.3535 that includes a certification that construction will commence immediately upon grant of the construction permit application.

**CLASS A LIC. PENDING**

Exhibit No.

11. Is a directional antenna proposed?

☐ Yes ☒ No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316, including plot(s), and tabulations of the relative field.

Exhibit No.

12. Will the proposed facility satisfy the requirements of 47 C.F.R. Section 73.315(a) and (b)?

☒ Yes ☐ No

If No, attach as an Exhibit a request for waiver and justification therefor, including amounts and percentages of population and area that will not receive 3.16 mV/m service.

Exhibit No.

13. Will the main studio be within the protected 3.16 mV/m field strength contour of this proposal?

☒ Yes ☐ No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125.

Exhibit No.

14. Is this application being filed as a One-step proposal pursuant to the Report & Order in MM Docket 92-159, 8 FCC 2d 4735 (released July 13, 1993)?

☐ Yes ☒ No

If Yes, list the proposed allotment site coordinates to the nearest second below and attach an Exhibit demonstrating that the proposed allotment site is in compliance with the allotment standards. The Exhibit must contain: (1) an allotment site map that complies with the requirements of the April 5, 1985, Public Notice, Mimeo 3693, or a statement that the allotment site will be located on an existing tower; (2) a city coverage map, showing the allotment site is in compliance with 47 C.F.R. Section 73.315; (3) a showing demonstrating that the allotment site meets the minimum distance separation requirements of 47 C.F.R. Section 73.207; and (4) a statement that the proposed allotment site is suitable for tower construction.

Exhibit No.

The coordinates for the proposed allotment site are: **NO LONGER REQUIRED**

Latitude	°	'	"	Longitude	°	'	"
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15. (a) Does the proposed facility satisfy the requirements of 47 C.F.R. Section 73.207? **Fig 4**

☒ Yes ☐ No

(b) If the answer to (a) is No, does 47 C.F.R. Section 73.213 apply?

☐ Yes ☐ No

(c) If the answer to (b) is Yes, attach as an Exhibit a justification, including a summary of previous waivers.

Exhibit No.

(d) If the answer to (a) is No and the answer to (b) is No, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose.

Exhibit No.

(e) Is authorization pursuant to 47 C.F.R. Section 73.215 requested?

☐ Yes ☒ No

If the answer to (e) is Yes, attach as an Exhibit a complete engineering study demonstrating compliance with the minimum spacing requirements of 47 C.F.R. Section 73.215(e) and lack of prohibited overlap with the affected stations. The engineering study must include the following:

Exhibit No.

Section V-B - FM BROADCAST ENGINEERING DATA (Page 4)

- (1) Protected and interfering contours, in all directions (360°), for the proposed operation.
- (2) Protected and interfering contours, over pertinent arcs, of all short-spaced assignments, applications and allotments, including a plot showing each transmitter location, with identifying call letters or file numbers, and indication of whether facility is operating or proposed. For vacant allotments, use the reference coordinates as the transmitter location.
- (3) When necessary to show more detail, an additional allocation study utilizing a map with a larger scale to clearly show prohibited overlap will not occur.
- (4) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire Exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
- (5) The official title(s) of the map(s) used in the Exhibit(s).

16. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast (except citizens band and amateur) radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference?

☒ Yes ☐ No

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use prior to grant of this application. (See 47 C.F.R. Sections 73.315(b), 73.316(e) and 73.318.)

Exhibit No.  
**EE-4**

17. Attach as an Exhibit a 7.5 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction V (D). The map must further clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers.

Exhibit No.  
**FIG 1, 1A**

18. Attach as an Exhibit (name the source) a map which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.  
**Fig 2, A, B**

- (a) the proposed transmitter location, and the radials along which profile graphs have been prepared;
- (b) the 3.16 mV/m and 1 mV/m predicted contours; and
- (c) the legal boundaries of the principal community to be served.

19. Specify area in square kilometers (1 sq. mi. = 2.59 sq. km.) and population (latest census) within the predicted 1 mV/m contour.

Area 4,907 sq. km.

Population 2,242,986

**1990 Census**

20. For an application involving an auxiliary facility only, attach as an Exhibit a map (Sectional Aeronautical Chart or equivalent) that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.

- (a) the proposed auxiliary 1 mV/m contour; and
- (b) the 1 mV/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license.

Section V-B - FM BROADCAST ENGINEERING DATA (Page 5)

21. Terrain and coverage data (to be calculated in accordance with 47 C.F.R. Section 73.313)

Source of terrain data: (check only one box below)

☒ Linearly interpolated 30-second database

☐ 7.5 minute topographic map

(Source: NGDC )

☐ Linearly interpolated 3-second database

☐ Other (summarize)

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 3 to 16 km (meters)	Predicted Distances	
		To the 3.16 mV/m contour (kilometers)	To the 1 mV/m contour (kilometers)
City *355	81.8	21.1	35.7
0	82.4	21.1	35.9
45	94.5	22.5	38.1
90	94.4	22.5	38.1
135	101.2	23.3	39.3
180	121.1	25.3	42.2
225	117.0	24.9	41.7
270	103.4	23.7	39.6
315	88.2	21.9	37.0

\*Radial through principal community, if not one of the major radials. This radial should NOT be included in the calculation of HAAT.

22. Environmental Statement. (See 47 C.F.R. Section 1.1301 et seq.)

Would a Commission grant of this application come within 47 C.F.R. Section 1.1307, such that it may have a significant environmental impact, including exposure of workers or the general public to levels of RF radiation exceeding identified health and safety guidelines issued by the American National Standards Institute?

☐ Yes

☒ No

If you answer Yes, submit as an Exhibit an Environmental Assessment required by 47 C.F.R. Section 1.1311.

Exhibit No.

If No, explain briefly why not. See Exhibit EE-4, measurements will be taken.

**CERTIFICATION**

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name (Typed or Printed)	Relationship to Applicant (e.g., Consulting Engineer)
John J. Mullaney	Consulting Engineer
Signature	Address (include ZIP Code) Mullaney Engineering 9049 Shady Grove Court Gaithersburg, MD 20877
Date	Telephone No. (include Area Code)
August 03, 1998	301-921-0115

**MULLANEY ENGINEERING, INC.**

**DECLARATION**

I, John J. Mullaney, declare and state that I am a graduate electrical engineer with a B.E.E. and my qualifications are known to the Federal Communications Commission, and that I am an engineer in the firm of Mullaney Engineering, Inc., and that firm has been retained by Dogwood Communications, Inc., licensee of Radio Station WAMJ at Roswell, Georgia, to prepare an amendment to its pending application for a "one-step" C3 upgrade.

All facts contained herein are true of my own knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

  
John J. Mullaney

Executed on the 3rd day of August 1998.

**MULLANEY ENGINEERING, INC.**

**ENGINEERING EXHIBIT EE-4:**

**DOGWOOD COMMUNICATIONS, INC.  
RADIO STATION WAMJ  
ROSWELL, GEORGIA  
Ch. 298C3 25 KW 100 M HAAT**

**NARRATIVE STATEMENT:**

**I. GENERAL:**

This engineering statement has been prepared on behalf of Dogwood Communications, Inc., licensee of Radio Station WAMJ at Roswell, Georgia (Class A license currently pending). The purpose of this statement is to amend WAMJ's pending "one-step" C3 upgrade application to specify a new site. The amended site is no longer short spaced to either WCGQ or to the pending rule making by WPEZ to re-allot FM Channel 300C1 from Macon to Hampton, GA (MM Doc 98-18). The amended facilities will operate on Channel 298C3 with an ERP of 25 KW and an HAAT of 100 Meters. It should be noted that since the initial construction of the WAMJ Class A facility the geographic coordinates of its tower on top of the Crown Pointe building were determined by a licensed land surveyor. The "as built" location was found to be 0.192 km on a bearing of N-15.3-E from the site originally authorized in its Class A construction permit.

The application is not a major environmental action, as defined by Section 1.1307 of the Commission's Rules. The proposed facility is in full compliance with both the "controlled" & "un-controlled" FCC Radiation Guidelines.



WAMJ will take R.F. Exposure Measurements prior to operating under automatic program test authority.

Answers to questions contained in F.C.C. Form 301, Section V-B, are incorporated in the following paragraphs and figures.

## II. ENGINEERING DISCUSSION:

### A. Proposed Location:

WAMJ's C3 facility will remain at its existing location as corrected herein. Figure 1 is a topographic map showing the corrected site, the CP site and the original C3 special reference point. The geographic coordinates are:

Latitude: 33° 55' 54"  
Longitude: 84° 20' 44"

It should be noted that since the initial construction of the WAMJ facility the geographic coordinates of its tower on top of the Crown Pointe building were determined by a licensed land surveyor. The "as built" location was found to be 0.192 km on a bearing of N-15.3-E from the site originally authorized in its Class A construction permit.

The Southern Regional Office of the FAA was notified of this correction and of a proposal to increase the height of the building to 279' AGL / 1318' AMSL. The FAA approved this request on April 3, 1998, 98-ASO-1701-OE. Figure 1-A is an Aeronautical map showing the proposed site.